

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 5147 OF 2022
WITH
INTERIM APPLICATION NO.13762 OF 2025
IN
WRIT PETITION NO. 5147 OF 2022**

Dr. Yashwant S/o. Raghunath Joshi V/s. State of Maharashtra Through the Secretary, Revenue & Forest Department, Mantralaya, Bombay and Others	Petitioner/ Applicant. Respondents.
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Mr. M.M. Pandarge for the Appellant/Applicant.
Mr. Akshay Shinde, advocate for the respondent no.2.

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 23RD FEBRUARY 2026

PER, SHREE CHANDRASHEKHAR, CJ.

This writ petition seeks a direction to the respondent-Authority to restore the possession of the subject property in terms of the Government Resolution dated 10th October 1973.

2. It is not in dispute that the petitioner's land was acquired by an award dated 19th May 1966. It is settled principle of law that once possession of land has been taken, it vests in the State free from all encumbrances. The petitioner's grievance is that the subject property which was acquired for the public purpose, that is, for development and utilization of the said land as an industrial and residential area, has not been utilised for the said purpose. The petitioner further states that he has been making representations to the respondent-

Authority, that is, Mumbai Metropolitan Region Development Authority (MMRDA) since 1986 for restoring possession of the subject property. He has given details of the representations that he made over the years including the letters dated 26th May 1990 and 17th June 1992. However, we do not find any plausible explanation by the petitioner why he did not approach the Court in the past several years except stating that he has been making representations. The petitioner has not stated as to why he did not approach this Court over a period of last half century. Quite apparently, this writ petition suffers from delay and laches which are relevant considerations for not exercising jurisdiction under Article 226 of the Constitution of India. The writ Court exercises its equitable jurisdiction in furtherance of public interest and not for any private interest.

3. Writ Petition No.5147 of 2022 is dismissed. Consequently, Interim Application No.13762 of 2025 does not survive and the same is disposed of.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

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DASHARATH
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